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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,219	02/13/2002	James F. Weir	1188-PA03	8571

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EXAMINER	
WRIGHT, ANDREW D	
ART UNIT	PAPER NUMBER
3617	

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,219

Applicant(s)

WEIR, JAMES F.

Examiner

Andrew Wright

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the panels having a generally elliptical shape (claim 7) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12, 13, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 12 recites a trademark limitation. This renders the claim indefinite. See MPEP §2173.05(u).

5. Claim 13 is generally narrative and unclear. The recitations "adult person" and "likely to cause injury by impact" are indefinite.

6. Claim 31 recites the limitation "said at least one fin" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 5, 6, 8-13, 15-19, 21-24 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saghri (US 5,498,184) in view of Yonover (US 6,066,016). Saghri discloses an inflatable body board (32a) having an upper panel (33a), a lower panel (76a) and a sidewall (not numbered). The upper and lower panels have a front portion that is substantially even with the rest of the respective panels. An air chamber is enclosed by the panels and sidewall. Saghri generally discloses structures (132) between the upper and lower panels, but does not specifically disclose the use of thread supports. Yonover discloses the use of thread supports (76) between upper and lower panels of an inflatable member (see figure 4A). Yonover teaches that the thread supports maintain the panels in a relatively flat and parallel configuration without bulging. Yonover also teaches the equivalence of thread supports and internal walls (figures 4A-4C). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Saghri by using thread supports instead of structures (132). The motivation would be to reduce the weight of the structure by using thread instead of material for support.
9. Regarding claim 2, the panels (33a and 76a) are substantially planar.
10. Regarding claim 3, the panels are curved at their front edge.

11. Regarding claim 5, the panels have the same dimensions.

12. Regarding claim 6, the panels are approximately rectangular (at least to the extent shown in applicant's figures.)

13. Regarding claim 8, the panels have a layer of flexible material, extension (44c) applied thereto.

14. Regarding claim 9, the panels are substantially parallel.

15. Regarding claims 10-12, Saghri does not disclose the material of the panels.

Yonover teaches that the panels of his structure may be made from PVC, urethane, or other materials. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Saghri by constructing the panels using PVC, polyurethane, or any other suitable material. The motivation would be to use materials that are joinable by heat welding, as taught by Yonover.

16. Regarding claim 13, Saghri teaches that the inflatable body board is prevented from buckling under the weight of a user by the air pressure within the air chamber. Saghri does not disclose the particular range of 10 psi to 15 psi. Such an inflation pressure, however, would be within the normal range of experimentation of the skilled artisan who is re-creating the Saghri invention.

17. Regarding claim 15, Yonover teaches that the threads (76) are nylon.

18. Regarding claim 16, the tail of the Saghri board has a swallow-tail shape.

19. Regarding claims 17-19, and 29-31, Saghri teaches that the body board may have a leash, handles, and fins. A fin inherently comprises an integral leading edge that constitutes a water-cutting edge. Saghri teaches the fin may be a protrusion of the

body, and as discussed above it would be obvious to construct the body panels of a polymer material.

20. Regarding claims 21 and 22, the Saghri board is in the style of a body board and a surfboard.

21. Regarding claims 23, 24, 27, and 28, Saghri does not teach a pouch, a canister for inflation, or an inflation port in the upper panel. Yonover shows a pouch on the upper panel of the inflatable device. Disposed within the pouch is a canister for inflation. The canister communicates with an inflation port in the top panel. Saghri does not disclose any specific inflation means for the inflatable board, so it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Saghri by the inflation means shown by Yonover. The motivation would be to provide an inflation means for the inflatable body board.

22. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified invention of Saghri as applied to claim 1 above, and further in view of Mauney et al (US 2,743,510). Saghri does not teach any kind of seam construction. Mauney shows an inflatable body with an upper panel, lower panel, and sidewall, all of which have a perimeter, where the upper panel perimeter overlaps the sidewall perimeter and the lower panel perimeter overlaps the sidewall perimeter. Such construction is well known in rafts, as it provides for non-leaking seams. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Saghri by using the overlapping seam construction shown by Mauney. The motivation would be to provide non-leaking seams.

23. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified invention of Saghri as applied to claim 1 above, and further in view of Smollar et al (US 5,101,752). Saghri does not teach an generally elliptical shape. Smollar discloses an inflatable body board that has a generally elliptical shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Saghri by using the shape shown by Smollar. The motivation would be to provide an ergonomic design that better fits to the user's body, as taught by Smollar.

24. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified invention of Saghri as applied to claim 1 above, and further in view of Mauney et al. (US 2,743,510). Saghri in view of Yonover does not teach drop stitching. Mauney discloses an inflatable device with upper and lower panels connected by drop stitched threads. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Saghri by using drop stitches as shown by Mauney. The motivation would be to use a common stitch that provides adequate structural integrity.

25. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified invention of Saghri as applied to claim 1 above, and further in view of Boyer et al. (US 4,942,838). Saghri in view of Yonover does not teach a UV-protective substance. Boyer discloses an inflatable watercraft and teaches that it is beneficial to add an outer layer to provide abrasion resistance and ultraviolet ray protection against the combined effects of the water and the sun. Therefore, it would have been obvious

to one having ordinary skill in the art at the time the invention was made to further modify the invention of Saghri by using a protective layer of the type taught by Boyer. The motivation would be to provide abrasion resistance and UV-protection.

26. Claim 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified invention of Saghri as applied to claim 1 above, and further in view of Harkrider (US 6,241,569). Saghri does not disclose a viewing window. Harkrider discloses a raft with a translucent polymer window in the upper and lower panels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Saghri by providing a translucent polymer window in the upper and lower panels. The motivation would be to provide a window for underwater viewing.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Friedrich shows a pneumatic surfboard. McCrory et al. shows an inflatable member with drop-stitched threads between upper and lower panels. Nealy shows a body board with a viewing window. Wu shows an inflatable device with threads between panels.

28. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for

official communications is 703-872-9326 for before final proceedings and 703-872-9327 for after final proceedings. The fax number for the examiner for unofficial communications is 703-746-3548.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1113.

Andrew D. Wright
Patent Examiner
Art Unit 3617

AW 1/12/03

Application/Control Number 10/076219
Art Unit 3617

Attachment to Paper No. 6

Notice Regarding Treatment of Irradiated Correspondence

The following papers have not been made part of the permanent records of the United States Patent and Trademark Office (Office) for this application (37 CFR 1.52(a)) because of damage from the United States Postal Service irradiation process:

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The above-identified papers, however, were not so damaged as to preclude the USPTO from making a legible copy of such papers. Therefore, the Office has made a copy of these papers, substituted them for the originals in the file, and stamped that copy:

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If applicant does not consider the Office's copy of such papers to be accurate, applicant must provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the originally submitted documents. If applicant provides such a copy of the above-identified papers and statement within **THREE MONTHS** of the mail date of this Office action, the Office will add the original mailroom date and use the copy provided by applicant as the permanent Office record of the above-identified papers in place of the copy made by the Office. Otherwise, the Office's copy will be used as the permanent Office record of the above-identified papers (*i.e.*, the Office will use the copy of the above-identified papers made by the Office for examination and all other purposes). This three-month period is not extendable.